

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08-CR-00219-RJC

USA

v.

EUGENE MARTA LANEY

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ORDER

THIS MATTER is before the Court upon motion of the defendant for a reduction of his supervised release revocation sentence based on the First Step Act of 2018, (Doc. No. 78), to which the government consents, (Doc. No. 80: Motion to Expedite at 2), and related pleadings.

The defendant pled guilty to possessing with intent to distribute 5 grams or more of cocaine base and possessing a firearm as a felon and was sentenced to 120 months' imprisonment followed by 8 years' supervised release. (Doc. No. 30: Judgment at 2-3). After the defendant was released from custody, the Court found him in violation of the conditions of his supervised release and sentenced him to 37 months' imprisonment, the high end of the advisory guideline range. (Doc. No. 75: Revocation Judgment at 2).

Under the First Step Act, the statutory maximum sentence for the defendant's offense drops from life to 30 years' imprisonment, and from a Class A to a Class B felony. (Doc. No. 79: Supplement to the Presentence Report (PSR) at 1-3). Accordingly, the high end of the advisory guideline range is reduced from 37 to 24

months' imprisonment. (Id. at 3). Therefore, the defendant seeks a sentence of 24 months, to which the government consents. (Doc. No. 80: Motion to Expedite at 2).

In exercising its discretion under the First Step Act, the Court has considered the factors set forth in 18 U.S.C. § 3553(a), as well as the defendant's post-sentence conduct and the public's safety. Based on these factors, the Court finds that a reduction of the defendant's sentence would accomplish the goals of sentencing.

IT IS, THEREFORE, ORDERED that the defendant's motion, (Doc. No. 78), is **GRANTED** and the defendant's revocation sentence is reduced to 24 months' imprisonment. All other terms in the Revocation Judgment, (Doc. No. 75), remain unchanged.

IT IS FURTHER ORDERED that the defendant's Motions to Expedite, (Doc. No. 80), and for Status Update, (Doc. No. 81), are **MOOT**.

The Clerk is directed to certify copies of this Order to the defendant, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: December 30, 2021



Robert J. Conrad, Jr.
United States District Judge

